

IC 35-44.1-2

Chapter 2. Interference with General Government Operations

IC 35-44.1-2-1

Perjury

Sec. 1. (a) A person who:

- (1) makes a false, material statement under oath or affirmation, knowing the statement to be false or not believing it to be true; or
- (2) has knowingly made two (2) or more material statements, in a proceeding before a court or grand jury, which are inconsistent to the degree that one (1) of them is necessarily false;

commits perjury, a Level 6 felony.

(b) In a prosecution under subsection (a)(2):

- (1) the indictment or information need not specify which statement is actually false; and
- (2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements which are material to the point in question.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.501.

IC 35-44.1-2-2

Obstruction of justice

Sec. 2. (a) A person who:

- (1) knowingly or intentionally induces, by threat, coercion, false statement, or offer of goods, services, or anything of value, a witness or informant in an official proceeding or investigation to:

- (A) withhold or unreasonably delay in producing any testimony, information, document, or thing;
- (B) avoid legal process summoning the person to testify or supply evidence; or
- (C) absent the person from a proceeding or investigation to which the person has been legally summoned;

- (2) knowingly or intentionally in an official criminal proceeding or investigation:

- (A) withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;
- (B) avoids legal process summoning the person to testify or supply evidence; or
- (C) absents the person from a proceeding or investigation to which the person has been legally summoned;

- (3) alters, damages, or removes any record, document, or thing,

with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;
(4) makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or
(5) communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror; commits obstruction of justice, a Level 6 felony.

(b) Subsection (a)(2)(A) does not apply to:

- (1) a person who qualifies for a special privilege under IC 34-46-4 with respect to the testimony, information, document, or thing; or
- (2) a person who, as:
 - (A) an attorney;
 - (B) a physician;
 - (C) a member of the clergy; or
 - (D) a husband or wife;

is not required to testify under IC 34-46-3-1.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.502.

IC 35-44.1-2-3

False reporting; false informing

Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false; or

(7) gives a false report of actions, behavior, or conditions concerning:

(A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or

(B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1;

knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

As added by P.L.126-2012, SEC.54. Amended by P.L.292-2013, SEC.11; P.L.158-2013, SEC.503; P.L.168-2014, SEC.79; P.L.107-2016, SEC.7.

IC 35-44.1-2-4

False identity statement

Sec. 4. (a) A person who:

(1) with intent to mislead public servants;

(2) in a five (5) year period; and

(3) in one (1) or more official proceedings or investigations;

has knowingly made at least two (2) material statements concerning the person's identity that are inconsistent to the degree that one (1) of them is necessarily false commits false identity statement, a Class A misdemeanor.

(b) It is a defense to a prosecution under this section that the material statements that are the basis of a prosecution under subsection (a) concerning the person's identity are accurate or were accurate in the past.

(c) In a prosecution under subsection (a):

(1) the indictment or information need not specify which statement is actually false; and

(2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements concerning the person's identity.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-5

Assisting a criminal

Sec. 5. (a) A person not standing in the relation of parent, child, or spouse to another person who has committed a crime or is a fugitive from justice who, with intent to hinder the apprehension or punishment of the other person, harbors, conceals, or otherwise assists the person commits assisting a criminal, a Class A misdemeanor. However, the offense is:

(1) a Level 6 felony, if:

(A) the person assisted has committed a Class B, Class C, or Class D felony before July 1, 2014, or a Level 3, Level 4, Level 5, or Level 6 felony after June 30, 2014; or

(B) the person or the person assisted is a member of a criminal organization; and

(2) a Level 5 felony, if the person assisted has committed murder or has committed a Class A felony before July 1, 2014, or a Level 1 or Level 2 felony after June 30, 2014, or if the assistance was providing a deadly weapon.

(b) It is not a defense to a prosecution under this section that the person assisted:

(1) has not been prosecuted for the offense;

(2) has not been convicted of the offense; or

(3) has been acquitted of the offense by reason of insanity.

However, the acquittal of the person assisted for other reasons may be a defense.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.504; P.L.25-2016, SEC.20.

IC 35-44.1-2-6

Impersonation of a public servant

Sec. 6. (a) A person who, with intent to:

(1) deceive; or

(2) induce compliance with the person's instructions, orders, or requests;

falsely represents that the person is a public servant, commits impersonation of a public servant, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense described in subsection (a) is a Level 6 felony if the person falsely represents that the person is:

(1) a law enforcement officer; or

(2) an agent or employee of the department of state revenue, and collects any property from another person.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.505; P.L.31-2016, SEC.1.

IC 35-44.1-2-7

Unlawful use of a police radio

Sec. 7. (a) A person who knowingly or intentionally:

(1) possesses a police radio;
(2) transmits over a frequency assigned for police emergency purposes; or
(3) possesses or uses a police radio:
 (A) while committing a crime;
 (B) to further the commission of a crime; or
 (C) to avoid detection by a law enforcement agency;
commits unlawful use of a police radio, a Class B misdemeanor.

(b) Subsection (a)(1) and (a)(2) do not apply to:

- (1) a governmental entity;
- (2) a regularly employed law enforcement officer;
- (3) a common carrier of persons for hire whose vehicles are used in emergency service;
- (4) a public service or utility company whose vehicles are used in emergency service;
- (5) a person who has written permission from the chief executive officer of a law enforcement agency to possess a police radio;
- (6) a person who holds an amateur radio license issued by the Federal Communications Commission if the person is not transmitting over a frequency assigned for police emergency purposes;
- (7) a person who uses a police radio only in the person's dwelling or place of business;
- (8) a person:
 - (A) who is regularly engaged in newsgathering activities;
 - (B) who is employed by a newspaper qualified to receive legal advertisements under IC 5-3-1, a wire service, or a licensed commercial or public radio or television station; and
 - (C) whose name is furnished by the person's employer to the chief executive officer of a law enforcement agency in the county in which the employer's principal office is located;
- (9) a person engaged in the business of manufacturing or selling police radios; or
- (10) a person who possesses or uses a police radio during the normal course of the person's lawful business.

(c) As used in this section, "police radio" means a radio that is capable of sending or receiving signals transmitted on frequencies assigned by the Federal Communications Commission for police emergency purposes and that:

- (1) can be installed, maintained, or operated in a vehicle; or
- (2) can be operated while it is being carried by an individual.

The term does not include a radio designed for use only in a dwelling.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-8

Unlawful manufacture or sale of police or fire insignia

Sec. 8. (a) A person who knowingly or intentionally manufactures and sells or manufactures and offers for sale:

(1) an official badge or a replica of an official badge that is currently used by a law enforcement agency or fire department of the state or of a political subdivision of the state; or

(2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or of a political subdivision of the state; without the written permission of the chief executive officer of the law enforcement agency commits unlawful manufacture or sale of a police or fire insignia, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Level 6 felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under section 6 of this chapter; and

(2) a Level 4 felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to further the commission of an offense under IC 35-47-12.

(c) It is a defense to a prosecution under subsection (a)(1) if the area of the badge or replica that is manufactured and sold or manufactured and offered for sale as measured by multiplying the greatest length of the badge by the greatest width of the badge is:

(1) less than fifty percent (50%); or

(2) more than one hundred fifty percent (150%);

of the area of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state as measured by multiplying the greatest length of the official badge by the greatest width of the official badge.

As added by P.L.126-2012, SEC.54. Amended by P.L.13-2013, SEC.140; P.L.158-2013, SEC.506.

IC 35-44.1-2-9

Failure to appear

Sec. 9. (a) A person who, having been released from lawful detention on condition that the person appear at a specified time and place in connection with a charge of a crime, intentionally fails to appear at that time and place commits failure to appear, a Class A misdemeanor. However, the offense is a Level 6 felony if the charge was a felony charge.

(b) It is no defense that the accused person was not convicted of the crime with which the person was originally charged.

(c) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

As added by P.L.126-2012, SEC.54. Amended by P.L.158-2013, SEC.507.

IC 35-44.1-2-10**Failure to respond to a summons**

Sec. 10. (a) A person who, having been issued:

- (1) a complaint and summons in connection with an infraction or ordinance violation; or
- (2) a summons, or summons and promise to appear, in connection with a misdemeanor violation;

notifying the person to appear at a specific time and place, intentionally fails to appear at the specified time and place commits failure to respond to a summons, a Class C misdemeanor.

(b) It is no defense that judgment was entered in favor of the person in the infraction or ordinance proceeding or that the person was acquitted of the misdemeanor for which the person was summoned to appear.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-11**Interference with jury service**

Sec. 11. A person who knowingly or intentionally:

- (1) dismisses an employee;
- (2) deprives an employee of employment benefits; or
- (3) threatens such a dismissal or deprivation;

because the employee has received or responded to a summons, served as a juror, or attended court for prospective jury service commits interference with jury service, a Class B misdemeanor.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-12**Interference with witness service**

Sec. 12. A person who knowingly or intentionally:

- (1) dismisses an employee;
- (2) deprives an employee of employment benefits; or
- (3) threatens such a dismissal or deprivation;

because the employee has received or responded to a subpoena in a criminal proceeding commits interference with witness service, a Class B misdemeanor.

As added by P.L.126-2012, SEC.54.

IC 35-44.1-2-13**Obstruction of traffic**

Sec. 13. (a) Except as provided in subsection (b), a person who, with the intent to obstruct vehicular or pedestrian traffic, obstructs vehicular or pedestrian traffic commits obstruction of traffic, a Class B misdemeanor.

(b) The offense described in subsection (a) is:

- (1) a Class A misdemeanor if the offense includes the use of a motor vehicle; and
- (2) a Level 6 felony if the offense results in serious bodily

injury.

(c) A person who unreasonably obstructs vehicular or pedestrian traffic commits a Class C infraction.

(d) It is a defense to an action under subsection (c) that the obstruction was caused by a vehicle malfunction.

As added by P.L.158-2013, SEC.508. Amended by P.L.188-2015, SEC.130.